

5-12. Issuance of Stop Sale, Use or Removal Orders (1200 TN 350 5-12)

1. **AUTHORITY.** To issue stop sale, use, or removal orders as provided in the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), including Section 13(a), whenever there is reason to believe on the basis of inspection or tests that a pesticide or device is in violation of any provision of FIFRA, or that such pesticide or device has been or is intended to be distributed or sold in violation of any such provisions, or when the registration of the pesticide has been cancelled by a final order or has been suspended.
2. **TO WHOM DELEGATED.** Director, Land and Chemicals Division (LCD); associate director, Office of Toxics and Pesticides, LCD.
3. **LIMITATIONS.**
 - a. Delegates may exercise the above authority against persons in Region III. The RA and delegates may also exercise the above authority against persons in another region after consulting with that region.
 - b. The delegates must obtain the advance concurrence of the regional counsel on the legal sufficiency of the action before exercising this authority. The RC may waive concurrence in writing.
 - c. The AA for OECA must notify any affected RAs before exercising any of the above authorities, however, an RA may waive this notification requirement.
4. **REDELEGATION AUTHORITY.**
 - a. This authority may be redelegated to the branch chief level, and no further.
 - b. This authority may not be redelegated without formal amendment.
 - c. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.
5. **ADDITIONAL REFERENCES.**
 - a. Chapter 5 delegation entitled "Civil Judicial Enforcement Actions" and "Emergency TROs" for seizure and related authority under Sections 13(b)–(d).
6. **SUPERSESSION.** Delegations Manual, FIFRA, Regional Delegation 5-12. Issuance of Stop Sale, Use or Removal Orders, 1200 TN RIII-114 (October 3, 1996).

Date 3/17/2017
Cecil Rodrigues
Acting Regional Administrator